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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

Case No. 2:16-CR-328 JCM (GWF)

8 Plaintiff(s),

ORDER

9 v.

10 BENYIAHIA HEBBAR,

11 Defendant(s).

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13 Presently before the court is defendant Beniyihia Hebbbar's motion to dismiss the petition
14 to revoke supervised release. (ECF No. 153). The government has filed a response (ECF No.
15 155), to which defendant replied (ECF No. 156).

16 On March 11, 2019, the court issued an arrest warrant for defendant based on alleged
17 violations of his terms of supervised release. (ECF Nos, 140, 141). On March 22, 2019, the court
18 released the defendant on a personal recognizance bond. (ECF No. 142).

19 At some point thereafter, Immigrant and Customs Enforcement ("ICE") placed defendant
20 into immigration detention pursuant to the Immigration and Naturalization Act ("INA") in
21 compliance with pending removal proceedings. *See* (ECF No. 153, 155). On March 28, 2019, the
22 court granted the government's petition for *writ of habeus corpus ad prosequendum* to ensure
23 defendant's appearance for his revocation hearing. (ECF No. 149).

24 Defendant argues that the court should dismiss the petition to revoke supervised release
25 because his immigration detention violates his right to pretrial release under the Bail Reform Act
26 of 1984 ("BRA"). (ECF No. 53). The court disagrees.

27 Defendant cites various district court cases holding that a defendant on release pursuant to
28 the BRA cannot be detained in immigration custody. (ECF No. 153). While the Ninth Circuit has

1 not directly addressed this question of law, other appellate courts have held that release pursuant
2 to the BRA does not preclude immigration detention. *United States v. Veloz-Alonso*, 910 F.3d
3 266, 270 (6th Cir. 2018); *United States v. Vasquez-Benitez*, 919 F.3d 546, 553–54 (D.C. Cir. 2019).

4 A review of the respective statutes confirms that ICE can fulfill its statutory duties under
5 INA without impairing the court’s ability to ensure that criminal defendants appear at their judicial
6 proceedings. Indeed, such is the case here. Therefore, because the BRA does not conflict with
7 the INA, the court will deny defendant’s motion.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant’s motion to
10 dismiss (ECF No. 153) be, and the same hereby is, DENIED.

11 DATED April 29, 2019.

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14 UNITED STATES DISTRICT JUDGE
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